

**4970. Adulteration and misbranding of oats. U. S. \* \* \* v. 281 Sacks of Oats. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 304-c. I. S. No. 9076-1.)**

On February 12, 1916, the United States attorney for the Southern District of Florida, acting upon a report by the Commissioner of Agriculture of the State of Florida, authorized by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 281 sacks, each containing about 100 pounds, of oats, consigned by Mayo Milling Co., Richmond, Va., and remaining unsold in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped about February 3, 1916, and transported from the State of Virginia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The sacks were labeled variously with the names of ground feedstuffs, being secondhand sacks and having been emptied of their original contents.

Adulteration of the article was alleged in the libel for the reason that it was labeled as a mixed ground feed of various descriptions, whereas other substances, to wit, oats, wheat, chaff, and weed seeds had been substituted for said article.

Misbranding was alleged for the reason that the article was variously branded as ground feed, whereas it was a mixture of oats, wheat, barley, chaff, trash, and weed seeds.

On March 8, 1916, the J. G. Permenter Co., a corporation, Jacksonville, Fla., claimant, having filed its answer to the libel admitting the allegations therein, but claiming that the adulteration and misbranding of the article was not committed by it, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the article should be delivered to said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that if the article was sold or disposed of, the branding thereof should be such as accurately and correctly to describe the same.

CARL VROOMAN, *Acting Secretary of Agriculture.*